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Application No. 10/658,472
Docket No. 740756-2650REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of March 28, 2006. Reconsideration of this application and the allowance of this application are respectfully requested. Claims 1-2 and 17-20 are still pending in the present application and are believed to be in proper condition for allowance.

Referring now to the Office Action, Applicants initially acknowledge with appreciation the Examiner's allowance of claim 20 and of allowable subject matter in claims 17 and 18.

Referring again to the Office Action, claims 1-2 and 17-18 were rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants respectfully disagree with the Examiner's rejection and contend that the rejection is improper as set forth herein below.

In particular, the Examiner asserts that the terms "optical system," "entrance side optical system," and "exit side optical system" are not clear and believed to be incorrect. However, each term the Examiner refers to is expressly supported by the Applicants' specification. For example, an "optical system" is supported at least by paragraph 0037 of the Applicants' published patent application as a "means for sampling a part of a laser beam emitted from an oscillator (optical system)." Additionally, Applicants' contend that "entrance side optical system" is at least supported by paragraph 0027 as a "means for sampling a part of a laser beam that enters a light amount adjusting means (entrance side optical system)" and further as reference symbol 102 in Figure 1. Furthermore, Applicants contend that "exit side optical system" is at least supported by paragraph 0029 as a "means for sampling a part of laser beam adjusted by a light amount adjusting means (exit side optical system)" and further as reference symbol 107 in Figure 1. Applicants finally note that although the drawings show an optical beam splitter as an example of an "optical system", the "optical system" should not be limited to an optical beam splitter. The terms "an optical system for sampling a part of a laser beam emitted from the laser oscillator" in claim 1 are clear for one skilled in the art to select any optical system for sampling part of

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a laser beam emitted from the laser oscillator. Therefore, the allowance of these claims is respectfully requested.

Referring again to the Office Action, Applicants respectfully disagree with the Examiner's rejection of claims 1 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,157,676 to Wilcox. In particular, Wilcox discloses a high speed optical modulator such as a Pockels cell. (Col. 4, lines 1-8). However, Wilcox appears to fail to disclose the calculation of a frequency, an amplitude, and a phase of the energy fluctuation of the laser beam as is recited in Applicants' claims 1 and 19. Further, Applicants also disagree with the Examiner's assertion that it is inherent that Pockels cell modulates the amplitude, phase, and frequency of an energy fluctuation. If the Examiner intends to base the rejection on inherency to teach this aspect of the present invention, such rejection must be based on a showing of clear evidence to support this contention, as provided in M.P.E.P Section 2112-IV. The Examiner has failed to do so in this instance. Therefore, the allowance of independent claims 1 and 19, as well as the claims depending therefrom, is respectfully requested.

Referring again to the Office Action, the Examiner has rejected independent claims 1 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,092,530 to Wise. Wise discloses a feedback control system for controlling an element which has a variable gain and which produces an output signal proportional to the element gain. (Col. 3, lines 14-17). Wise further discloses electrical signals fed from detectors into differential amplifiers. (Col. 4, lines 31-33). However, Wise does not appear to disclose a signal processing unit for subjecting the electric signal to a signal processing to calculate a frequency, an amplitude, and a phase of the energy fluctuation of the laser beam as is recited in Applicants' claims 1 and 19. If the Examiner intends to base the rejection on inherency to teach this aspect of the present invention, such rejection, as noted above, must be based on a showing of clear evidence to support this contention, as provided in M.P.E.P Section 2112-IV. Again, the Examiner has failed to satisfy the requirements of M.P.E.P. Section 2112-IV.

Thus, the Examiner has not established a *prima facie* case. Accordingly, the allowance of independent claims 1 and 19, as well as the claims depending therefrom, is respectfully requested.

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Correspondingly, Applicants contend that, in light of the reasons for allowance to independent claims 1 and 19, the Examiner's objection to dependent claims 17 and 18 are likewise overcome. Thus, Applicants respectfully request the allowance of these claims.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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